

Citizen review of power plants may be curbed

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With a record number of new power plants under development in California, the state's agency in charge of licensing plants is contemplating dramatically limiting the public's role in the review of them.

Under proposed new rules, the California Energy Commission, which has been under tremendous political pressure to approve more power plants, could soon allow extensive closed-door meetings between plant developers and regulators that are now prohibited.

And the commission could expand its power to bar citizens and other interested groups from introducing evidence at public hearings on proposed plants.

Championed by the commissioner who oversaw the marathon review of Calpine Corp.'s controversial South San Jose power plant, the new rules, which will be discussed at a hearing today, must still be approved by the five-member commission. At least one commissioner opposes some of the changes.

But the proposed limits are fueling questions about California's commitment to serious environmental review of new plants, a process that has already been scaled back by new laws and executive orders designed to speed construction of plants in the face of the state's energy crisis.

"Aside from violating the spirit of California environmental law that encourages public participation, when you rush through projects, suppress information and silence people, you get bad projects," said Anne Cohen, an attorney with Oakland-based Communities for a Better Environment, a statewide environmental justice organization.

'Negative impacts'

"You will have negative environmental and health impacts that could be identified and prevented."

Commissioner Robert Laurie, who is pushing the changes, could not be reached for comment last week, despite several messages left at his office.

Jan Smutny-Jones, president of the Independent Energy Producers Association, defended the proposed rules as a good way to streamline approval of new plants. "The process simply takes too long," said Smutny-Jones, whose association represents power generators. "We continue to support California's environmental laws, but along a time frame that is a little more rational."

The energy producers association has been pushing for changes in the review process for years, and earlier this year lobbied unsuccessfully to persuade lawmakers to expand the rights of generators to hold closed-door meetings with regulators. Such meetings are now limited to exchanges of information and procedural matters.

The energy commission's review of new power plants can indeed be long and contentious, as the tortuous debate over Calpine's proposed Metcalf Energy Center in South San Jose's Coyote Valley demonstrated.

Under current rules, the commission must hold a public meeting when it reviews any substantive issue with power plant developers. Private citizens and groups are given the right to present evidence and cross-examine all the involved parties, including energy commission analysts and the plant developer.

The energy commission has not rejected any of the major power plants proposed in recent years.

Supporters of the current process point out that private citizens and other groups allowed into the process often raise issues and suggest changes to projects that make new power plants cleaner and more environmentally sensitive.

"If anything, they should be doing more to involve the public," said Elizabeth Cord, head of the Santa Teresa Citizen Action Group, which has fought Calpine's San Jose project for more than a year. "These are not Wal-Marts or shopping centers we're talking about. This will be in our air."

Cord's group and others, including several former energy commission analysts, say citizens are already at a disadvantage in a process controlled by energy commission officials under pressure to approve power plants.

In the Metcalf debate, the neighborhood group and consultants hired by Cisco Systems, which is developing a high-tech campus near the proposed plant, pushed the commission to require Calpine to further insulate the plant to reduce noise and to install better emissions control technology to limit air pollution.

Stiff fight

Calpine fought both proposals. Senior analysts at the energy commission who were charged with reviewing the project rejected them in their final analysis of the project. When the commission issued its proposed decision on the project last month, however, commissioner Laurie did propose adding sound-proofing and emissions controls as conditions of approval.

In Shasta County, the intervention of local residents and others led the developer of the Three Mountain power plant to dramatically reduce the amount of water the plant was slated to draw out of a nearby river.

Similar changes were made to a power plant in Sutter County, partly because of the intervention of an advocacy group sponsored by the state building and construction trades. The group -- California Unions for Reliable Energy -- also pushed for lower emissions of pollutants at several other plants around the state.

Those changes would not have been made had the process been less open, said CURE attorney Marc